

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-8 are pending in this application. Claims 1-5, 7, and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 6,179,081 to Engelgau.<sup>1</sup> Claims 1-5, 7, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,568,797 to Landerretche in view of Engelgau. Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Landerretche and Engelgau as applied to claim 1, and further in view of U.S. 4,132,284 to Tomecek.

Addressing the above-noted rejections, those rejections are traversed by the present response.

Initially, applicants note the claims are amended by the present response to clarify features recited therein. Specifically, independent claim 1 now further recites that depressing the pedal in the first travel part engages the cruise control system “to automatically control the vehicle by the cruise control system”. That subject matter is fully supported by the original specification for example at page 5, lines 2-4.

The claim amendments are submitted to further define what is meant by “engaging the cruise control system”. The basis for maintaining the outstanding rejection noted in the Advisory Action of July 18, 2005, appears to indicate that applicants’ previously presented arguments as to how the applied art does not disclose “engaging the cruise control system” was not convincing as the term “engages” was given a very broad interpretation. The claim amendments are submitted to now further define that in the claimed invention depressing the pedal in the first travel part allows the cruise control system to automatically control the

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<sup>1</sup> The statement for the rejection of paragraphs 2-4 of the Office Action apparently indicates the incorrect patent number.

vehicle, i.e., to become activated. Applicants respectfully submit such features clearly distinguish over the applied art.

The claimed invention was made with respect to improving upon drawbacks in the background art, and particularly background art in which cruise control systems are activated by utilizing push-buttons that entail high workload and attention span on a part of a driver.<sup>2</sup>

To overcome such drawbacks in the background art, the present invention sets forth a system in which, and with reference to Figure 1 in the present specification as a non-limiting example, the cruise control is activated by depressing a pedal within the boundary of the first travel part 311. That is, in the claimed invention when the pedal is pressed within the boundary of the first travel part 311 a cruise control system is activated.<sup>3</sup> The claimed invention has an additional travel part of the pedal 312 that can be utilized by a driver if the driver wishes to accelerate beyond the speed set by the cruise control.<sup>4</sup> Further, in the claimed invention the pull-back force associated with the first travel part 311 is smaller than the pull-back force associated with the second travel part 312, so that the driver appreciably senses the change from one part to another with his/her foot.<sup>5</sup>

The basis for the outstanding rejection evidently relies upon Engelgau as it “teaches a pedal (40) capable of engaging a cruise control system”.<sup>6</sup>

Applicants traverse the above-noted statement in the outstanding rejection. Engelgau does not teach or suggest that the pedal 40 engages a cruise control system to automatically control the vehicle by the cruise control system, as Engelgau only teaches that the pedal 40 *disengages* the cruise control system. Engelgau specifically states:

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<sup>2</sup> Specification at page 2, lines 23-32.

<sup>3</sup> See also, for example, the present specification at page 4, line 32 to page 5, line 4.

<sup>4</sup> See, for example, the present specification at page 5, lines 4-11.

<sup>5</sup> See, for example, the present specification at page 4, lines 1-4.

<sup>6</sup> This statement in the Office Action indicating the reliance on the teachings of Engelgau is noted on page 3, line 21 of the Office Action with respect to the rejection under 35 U.S.C. § 103. However, the above statement appears to be also clearly directed to the rejection under 35 U.S.C. § 102(b) based on Engelgau.

The cruise control system 34, *which sets and maintains the vehicle speed when activated, is deactivated when the pedal arm 50 reaches the second predetermined position* P2 and the electronic signal is produced.

Typically, *the pedal arm* 50 only needs to be depressed slightly to *deactivate the cruise control system 34*. Thus, the second predetermined position P2 will be close to the normally biased position P.<sup>7</sup>

Thus, Engelgau clearly teaches that the cruise control system 34 engages a cruise control system and depressing the pedal 40, to thereby control the pedal arm 50, *deactivates the cruise control system*. Applicants traverse the basis for the outstanding rejection in its statement that the pedal 40 in Engelgau engages the cruise control system.

As noted above, one feature in the claimed invention is *activating the cruise control system by depressing a pedal within a boundary of a first travel part*, as now further clarified in the claims. Engelgau clearly fails to teach or suggest such features.

Moreover, Landerretche also fails to teach or suggest such features, and thereby no combination of teachings of Landerretche in view of Engelgau will meet such features.

More specifically, in Landerretche the travel of the pedal *also does not engage a cruise control system* to automatically control the vehicle by the cruise control system at all. Instead, in Landerretche a speed set limit value is established by a selector 16.<sup>8</sup> In fact, Landerretche does not even disclose or suggest any operation of dividing a pedal into two specific travel parts, and particularly in which depressing the pedal into the first travel part engages a cruise control system.

The outstanding rejection only references Landerretche at column 4, lines 41-45 with respect to the claimed features of dividing the petal movement into two travel parts. However, at that point Landerretche does not disclose any operation in which depression of a pedal engages, i.e. sets or activates, a cruise control operation. Landerretche in that respect at

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<sup>7</sup> Engelgau at column 3, lines 45-52 (emphasis added).

<sup>8</sup> Landerretche at column 3, lines 14-17.

column 5, lines 41-45 also does not even address dividing a travel part of a pedal into two parts.

At column 5, lines 41-45 Landerretche discloses that a return force F that a driver feels can be zero in position I and maximized in position J.

In that respect, applicants note such teachings in Landerretche are not even directed to the claimed features.

The claimed feature of having a different pull-back force of a pedal within a first travel part than a second travel part is realized so that a driver can recognize when the pedal is in the first travel part versus the second travel part. Landerretche does not even disclose or suggest dividing a travel of a pedal into two travel parts, and particularly in which depressing of the pedal in the first travel part activates a cruise control system to automatically control the vehicle by the cruise control system, and thus Landerretche clearly cannot disclose changing a pull-back force of a pedal between such first and second travel parts. Stated another way, the positions I and J noted in the teachings in Landerretche are not directed to two different travel parts such that depressing a pedal in the first travel part engages a cruise control system to automatically control the vehicle by the cruise control system.

In such ways, applicants respectfully submit amended independent claims 1 and 8, and the claims dependent therefrom, patentably distinguish over the teachings in Landerretche in view of Engelgau.

Moreover, no teachings in Tomecek are seen to overcome the above-noted deficiencies in Landerretche and Engelgau, and thus that further rejection is also traversed by the present response.

In view of these foregoing comments, applicants respectfully submit each of claims 1-8 is allowable over the applied art.

Application No. 10/626,689  
Reply to Office Action of March 31, 2005 and  
Advisory Action of July 18, 2005

In view of these foregoing comments, applicants respectfully submit the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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